

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
5/5 Chesapeake Ave., 1100 ft. E
of c/l of Baylight Avenue
9017 Chesapeake Avenue
15th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-327-A

Dorothy Mae Witmyer
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dorothy Mae Witmyer for that property known as 9017 Chesapeake Avenue in the Baylight Beach subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (an existing garage with proposed alteration) with a height of 23 ft. 6 inches in lieu of the maximum permitted 15 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May, 1993 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (an existing garage with proposed alteration) with a height of 23 ft. 6 inches, in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
3. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall

contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LES:mmn

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



(410) 887-4396

May 5, 1993

Mrs. Dorothy Mae Witmyer
9017 Chesapeake Avenue
Baltimore, Maryland 21219

RE: Petition for Administrative Variance
Case No. 93-327-A
9017 Chesapeake Avenue

Dear Mrs. Witmyer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

ORDER RECEIVED FOR FILING
Date 5/6/93
By Sh. Frank

ORDER RECEIVED FOR FILING
Date 5/6/93
By Sh. Frank

ORDER RECEIVED FOR FILING
Date 5/6/93
By Sh. Frank

-2-

-3-



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9017 Chesapeake Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 to permit an Accessory Structure (An existing garage with proposed alteration) with a height of 23 ft. 6 in. in lieu of the maximum permitted 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Agent

(Type or Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

City

State

Zip Code

I/we solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Dorothy Mae Witmyer

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

REVIEWED BY: JLM 4-1-93
DATE: 4-18-93

ITEM #: 343

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9017 Chesapeake Ave.
Address: Baltimore City: MD Zip Code: 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See Attached

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Dorothy Mae Witmyer

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zip Code

Signature

Address

City

State

Zip Code

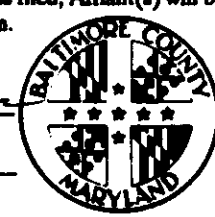
Signature

Address

City

State

Zip Code



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 15th day of MARCH, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

25 MARCH 1993

Joseph B. Sidak
JOSEPH B. SIDAK
Notary Public

My Commission Expires: 1 NOVEMBER 1994

Attachment:

That based upon personal knowledge, the following are the facts upon which I based the request for an Administrative Variance at 9017 Chesapeake Ave.:

- 1: Occasional flooding of garage at current elevation due to rain water running off of Chesapeake Ave. because Baltimore County asphalt over existing road over the past years.
- 2: Chesapeake Ave at a higher elevation than existing garage floor.
- 3: Occasional high tide from storms floods garage.
- 4: Electrical power tools are becoming inoperable due to water damage.
- 5: need more dry storage place and a work shop.
- 6: less chance of electrical fire or electrocution.

343

ZONING DESCRIPTION FOR : 9017 Chesapeake Ave.

Election District : 15th Councilmanic District : 7

Beginning at a point on the south side of Chesapeake Ave. which is 20' wide at a distance of 1,100' east of the centerline of the nearest improved intersecting street Baylight Ave. which is 20' wide. Being Lot # 22 recorded in Baltimore County Plat Book# 7, Folio# 26, containing 8550 square feet and .196 acres.

343

Thanks,
Greg Witmyer
9017 Chesapeake Ave.
Balto. Md. 21219
(410) 477-0288

RECEIVED
APR 6 1993
ZADM

93-327-A

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93-327-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9017 Chesapeake Ave.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Parklight Beach

plat books #7, folios 26, 28, 29 sections

OWNER: Dorothy Witmyer

CHESAPEAKE AVE (20' R/W)

16.80 FT'S TO G. OF DRAINAGE CANAL

16.11' to S. of CHESAPEAKE AVE

OVER WOODBINE CREEK

RED BLOCK FOR RESIDENTIAL 1
GREEN SHADING
PUSHED ABOUT 23 FT. 6 IN.

JUNE DIEM N

VAC.
LOT

ROUND:
Rabid
VITULO

EXIST
DUALS

CONC

LOT 21

LOT 22

LOT 23

CHESAPEAKE Bay

Vicinity Map
scale: 1"=100'

LOCATION INFORMATION

Election District: 15*

Councilmanic District: 7.

1"=200' ass'n map:

Zoning: DR 5.5

Lot size: ±196

acres square feet

SEWER: ☒ ☐

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings:

NONE

Zoning Office USE ONLY

reviewed by: _____ ITEM #1 CASE#:

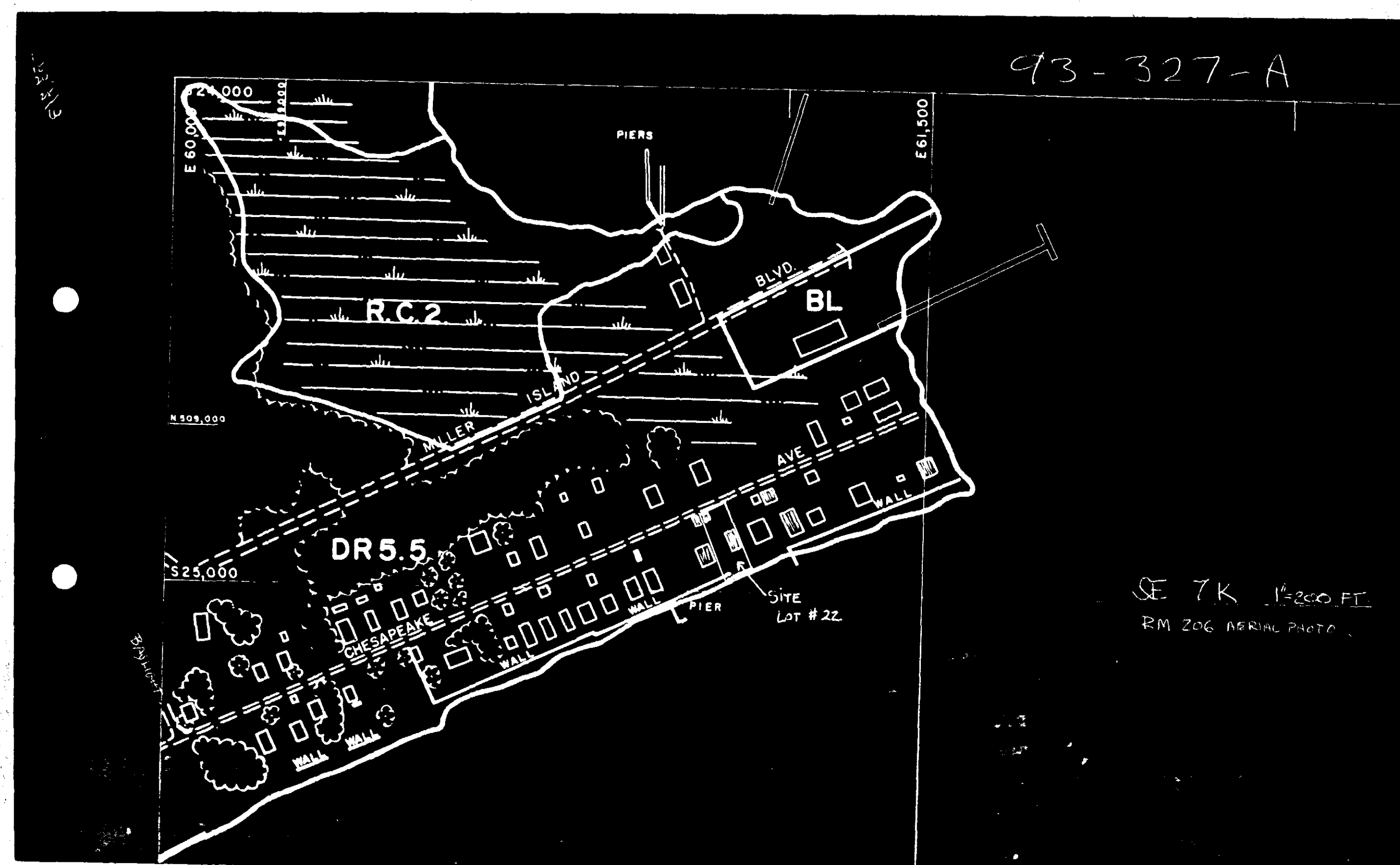
JCLM 3431

North

date: 3/24/93

prepared by: GRW

Scale of Drawing: 1"=50'



93-327-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HART ISLAND

SHEET
S. E.
7-K